IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 91 OF 2007
IN
CRIMINAL MISC. APPLICATION NO. 74 OF 2004

SHRI KRISHNANATH GOPAL MATODKAR,CHAORAO-GOA. ... Applicant

Versus

STATE (THROUGH THE POLICE INSPECTOR), PANAJI-GOA. ... Respondent

Mr. S. G. Dessai, Senior Advocate for the Applicant.

Coram:- N. A. BRITTO, J.

Date:- 3rd May, 2007

P.C.

Heard Shri Dessai, the learned Senior Counsel on behalf of the applicant and the Police Inspector, who is present in person.

2. Perused the reply filed.

3. On 13.04.2004, whilst granting anticipatory bail to the applicant, this Court had imposed a condition that the applicant should not leave the State of Goa without the prior permission of this Court whilst deciding the trial. Although three years have lapsed since then, it appears that no chargesheet has been filed till date and the investigations are still in progress. The Police Inspector who is present, has stated that the chargesheet is likely to be filed within a period of one month or so. It is also stated by the Police Inspector, whenever the applicant was required to attend the investigations, he did so. On behalf of the applicant, it is stated that the applicant is a resident of Chorao and that there is no valid justification for the said condition to remain after a lapse of three years,

thus restricting the movement of the applicant.

4. Considering the facts of the case, in my view, there is no valid justification for the said condition to remain in force considering that three years have lapsed and the chargesheet has not yet been filed, for which, no purpose would be served by continuing with the said condition. Consequently, the Order dated 13.04.2004, is hereby modified in that the condition that the applicant shall not leave the State of Goa without prior permission of this Court, is deleted.

5. Application allowed on the above terms.

N. A. BRITTO, J.

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